

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	21-cr-88 (JSR)
	:	
FRED ASANTE,	:	<u>ORDER</u>
	:	
Defendant.	:	
-----	x	
JED S. RAKOFF, U.S.D.J.		

Robert Bryan, Esq., counsel for defendant Fred Asante, has applied to be relieved from his representation of Mr. Asante. In his motion to withdraw and for new counsel to be appointed, Mr. Bryan cites two reasons for his application.

First, Mr. Bryan states that is that he is no longer being paid, as his client is in custody and has been unable to work, and is thus unable to provide payment. In a criminal case, this is not an adequate reason for counsel to be relieved of representation. See, e.g., United States v. Parker, 439 F.3d 81, 106 (2d Cir. 2006) (citing American Bar Association Standards for Criminal Justice).

Second, Mr. Bryan argues that because he is located in Virginia, he does not have ready access to his client in person and therefore would have difficulty reviewing with his client the voluminous discovery in this case. When he entered this case, a Southern District of New York case charging serious crimes, Mr. Bryan had to know that this was a potential problem,

yet he did not seek to be relieved at that time, and only now seeks to be relieved, just a few months before trial.

Nevertheless, in light of this and other difficulties, if, in fact, as Mr. Bryan seems to suggest, Mr. Asante qualifies for appointed counsel, the Court will appoint counsel for Mr. Asante. However, the Court leaves it to Mr. Bryan to have his client submit to the Court the appropriate affidavit attesting to indigency. If and when such an affidavit is received, and as long as it demonstrates that Mr. Asante so qualifies, the Court will appoint counsel, provided that the affidavit is received no later than one week from the date of this order. Until then, the motion to be relieved will remain sub judice.

SO ORDERED.

Dated: New York, NY
November 18, 2021


JED S. RAKOFF, U.S.D.J.